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Joint Committee on Administrative Rules
Illinois General Assembly

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Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

COMMUNITY BLOCK GRANTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted an amendment to State Administration of the Federal Community Development Block Grant Program for Small Cities (47 IAC 110; 38 Ill Reg 360), effective 10/30/14. The federal Department of Housing and Urban Development directed DCEO to make rule consistent with changes HUD made in 1992. The amendment requires program income to be subject to the requirements of HUD's rules before and after close out of the grant that generated that income.

Questions/requests for copies: Jolene Clarke, DCEO, 500 E. Monroe St. Springfield IL 62701, 217/557-1820, e-mail: jolene.clarke@illinois.gov.

LABORATORY FEES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Laboratory Service Fees (77 IAC 475; 38 Ill Reg 12007), effective 10/31/14, that revise the fee schedule its laboratory charges for the established services. The rulemaking details circumstances in which the laboratory must seek authorization to complete a test. DPH also provides guidelines for retention of specimens based on positive or negative test result and reporting of those test results, including timelines and reporting within the framework of HIPAA privacy rules. DPH will issue a copy of the individual's test results if it receives a written notarized request for the information and a \$25 payment. The rulemaking also updates the definitions Section and adds

Proposed Rulemakings

INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment to Income Tax (86 IAC 100; 38 Ill Reg 21295) adding two new exemptions from Illinois taxation on interest income: interest earned on bonds issued by the Tri-County River Valley Development Authority and interest earned on prepaid funeral funds under the Illinois Funeral or Burial Funds Act.

Questions/requests for copies/comments through 12/29/14: Paul Caselton, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

RIVERBOAT CASINOS

The ILLINOIS GAMING BOARD proposed amendments to Riverboat Gambling (86 IAC

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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federal documents incorporated by reference. Since 1st Notice, a new Section addressing who may grant authorization to submit specimens has been added. Health facilities and local health departments that use DPH testing services will be affected.

Questions/requests for copies: Susan Meister, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

■ WORKERS' COMPENSATION

The DEPARTMENT OF INSURANCE adopted amendments to Workers' Compensation Rate and Manual Filing (50 IAC 2902; 38 Ill Reg 13139), effective 10/31/14, to require electronic filing of workers' compensation filings and rate information using the SERFF system. Loss cost multipliers and dividend plan information must also be filed using SERFF. All company rate filings must include Company Rate Information (formerly, Form RF-3) which includes the overall percentage rate change; the overall percentage impact; the minimum and maximum percentage change; and the number of policyholders affected for this program.

Questions/requests for copies: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

UTILITIES

The ILLINOIS COMMERCE COMMISSION repealed the Part titled Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service (83 IAC 280; 38 Ill Reg 1452) and adopted a new Part titled Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Billing, Payments, Refunds and Disconnection of Service (83 IAC 280; 38 Ill Reg 1497), both effective 11/1/14. The new Part updates ICC's utility customer service practices to reflect changes in the utility industry and to implement recent Public Acts. The new rules address deposits, billing, payment (including late payments, preferred payment dates, budget payment plans and irregular billing), refunds and credits, deferred payment arrangements, disconnections (including disconnections of heating service between 12/1 and 3/31), medical certification, reconnection, unauthorized service via tampering or illegal taps, and complaint procedures. Utility companies and their customers are affected by these rulemakings.

Questions/requests for copies of the 2 ICC rulemakings: Brian Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

■ RIVERBOAT CASINOS

The ILLINOIS GAMING BOARD adopted amendments to Riverboat Gambling (86 IAC 3000; 38 Ill Reg 14641), effective 10/29/14, allowing vouchers to be issued at cashier cages in addition to being issued via electronic gaming devices. Riverboat casino licensees and employees are affected.

Questions/requests for copies: Emily Mattison, IGB, 160 N. LaSalle St., Chicago IL 60601, 312/814-4700.

RADIATION SAFETY

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted amendments to General Provisions for Radiation Protection (32 IAC 310; 38 Ill Reg 10730); Licensing of Radioactive Material (32 IAC 330; 38 Ill Reg 10752); Licensing Requirements for Source Material Milling Facilities (32 IAC 332; 38 Ill Reg 10760); and Licensing and Radiation Safety Requirements for Irradiators (32 IAC 346; 38 Ill Reg 10768), all effective 10/31/14. The amendments update the definitions of "commencement of construction" and "construction" to meet US Nuclear Regulatory Commission compatibility requirements. The amendments have been approved by NRC.

Questions/requests for copies of the 4 IEMA rulemakings: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/524-0770, fax 217/524-3698.

Proposed Rulemakings

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3000; 38 Ill Reg 21267) implementing Public Act 98-490. A new Section establishes contracting guidelines for holders of riverboat casino owners' licenses. The definitions of minority, minority owned business, female owned business and business owned by a person with a disability from the Business Enterprise for Minorities, Females and Persons with Disabilities Act are also applied to these rules. IGB will set contracting goals for businesses owned by minorities, females and persons with disabilities. Owners licensees must submit their proposed contracting goals by 12/1 of each calendar year and must submit an annual report by 3/31 of each calendar year to IGB. Owners licensees must make a good faith effort, as defined in the rulemaking, to give consideration to qualified businesses owned by minorities, females and persons with disabilities that are located in Illinois. IGB will not set any quotas. Riverboat casino licensees and those seeking contracting opportunities may be interested in this rulemaking.

Questions/requests for copies/ comments through 12/29/14: Emily Mattison at the IGB address and phone number on page 2.

■ DRYCLEANERS

The DRYCLEANERS ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL of Illinois

proposed amendments to General Program (35 IAC 1500; 38 Ill Reg 21259) implementing Public Act 98-327. The Act and the rulemaking require cancellation notices of DERTFC-issued insurance policies to be sent at least 30 days (currently 10 days) before the effective date of termination if cancellation is due to non-payment of premiums. Notices must also contain instructions for seeking reinstatement of coverage, information concerning premiums or penalties that must be paid to reinstate coverage, and a copy of the Council's appeal procedures. The same contents must also be included in notices of cancellation due to failure to meet underwriting standards; however, the required notice period for these cancellation notices and those for other causes remains 60 days. Drycleaners are affected by this rulemaking.

Questions/requests for copies/ comments through 12/29/14: H. Patrick Eriksen, DERTFC, P.O. Box 480, Bensenville IL 60106-0480, 630/741-0022.

ADA PROCEDURES

The DEPARTMENT OF INSURANCE proposed amendments to Americans with Disabilities Act Grievance Procedure (4 IAC 250; 38 Ill Reg 21282) correcting a misspelled word, making stylistic changes and adding a modifier for clarity. No substantive changes are being made.

Questions/requests for copies/ comments regarding the proposed rulemaking through 12/29/14: Diana Villamil Zuver, DOI, 122 S. Michigan Ave. 19th Fl., Chicago IL 60603, 312/814-8135, fax: 312/814-2862 or Susan Anders, DOI, 320 W. Washington, Springfield IL 62767, 217/558-0957.

INSURANCE REPEALER

DOI also proposed repeal of the Part titled Professional Liability Insurance Reporting Requirements and Resource Center (50 IAC 933; 38 Ill Reg 21282). The Department states that the Part is no longer required, as the underlying Public Act 94-677 was ruled unconstitutional by the Illinois Supreme Court in *Lebron v. Gottlieb Memorial Hospital*. That case largely dealt with medical malpractice caps in the Public Act, but the Court also ruled that the entire Act's various provisions were invalid due to an inseverability provision within the Act. The Part being repealed implemented Section 155.18a of the Insurance Code, which created the Professional Liability Insurance Resource Center and website listing information about insurance companies offering medical malpractice coverage. This Section of the Code is now invalid.

Questions/requests for copies/ comments through 12/29/14: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's December 16, 2014 meeting, scheduled for 11:30 a.m. at the Michael Bilandic Building, 160 N. La Salle St., Chicago.

SECRETARY OF STATE

Merit Commission (80 IAC 50) proposed 9/19/14 (38 Ill Reg 18851)

DEPT OF CHILDREN AND FAMILY SERVICES

Department of Children and Family Services Scholarship Program (89 IAC 312)
proposed 7/7/14 (38 Ill Reg 13564)

DEPT OF INSURANCE

Unfair Discrimination Based on Sex, Sexual Preference or Marital Status (50 IAC 2603)
proposed 8/15/14 (38 Ill Reg 17185)

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Greg Harris

Senator Don Harmon

Representative Lou Lang

Senator Tony Muñoz

Representative David Leitch

Senator Sue Rezin

Representative Don Moffitt

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